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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,979	08/26/2003	Bruce Fletcher Johnson	133976	2828

6147	7590	02/15/2008
GENERAL ELECTRIC COMPANY		
GLOBAL RESEARCH		
PATENT DOCKET RM. BLDG. K1-4A59		
NISKAYUNA, NY 12309		

EXAMINER	
SCHLIENTZ, LEAH H	

ART UNIT	PAPER NUMBER
1618	

NOTIFICATION DATE	DELIVERY MODE
02/15/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/647,979	Applicant(s) JOHNSON ET AL.	
	Examiner Leah Schlientz	Art Unit 1618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) 21-23, 25 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18, 20 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgement of Receipt

Applicant's Response, filed 12/14/2007, in reply to the Office Action mailed 9/14/2007, is acknowledged and has been entered. Claim 18 has been amended. Claims 18 and 20 – 26 are pending, of which claims 21 – 23, 25 and 26 are withdrawn from consideration at this time as being drawn to a non-elected invention. Claims 18, 20 and 24 are readable upon the elected invention and are examined herein on the merits for patentability.

Response to Arguments

Applicant's arguments, see page 9 of the Response, with respect to the rejection of claims 18, 20 and 24 under 35 USC 112, first paragraph, have been fully considered. The rejection has been WITHDRAWN as being overcome by amendment.

Applicant's arguments, see pages 9 – 10 of the Response, with respect to the rejection of claims 18, 20 and 24 under 35 USC 103(a) as being unpatentable over Chambers *et al.* (US 5,705,713) in view of Johnson *et al.* (US 5,264,570) have been fully considered, but are not found persuasive for reasons set forth hereinbelow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 18, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers *et al.* (US 5,705,713) in view of Johnson *et al.* (US 5,264,570), for reasons set forth in the Office Action mailed 4/30/2007.

Applicant asserts on pages 9 – 10 of the Response that Chambers teaches a process for preparation of fluoro compounds wherein a compound of formula R^1R^2CHOX is converted to its fluorinated analog, and that the product may be "separated, e.g. by filtration, and purified in the usual way" (column 4, lines 55 - 65). Example 1 describes a preparation of 2-fluoro-1,3,5-tri-O-benzoyl- α -D-ribofuranose wherein the product is precipitated from the reaction mixture without further purification. Applicant recites that Johnson relates to a method for synthesizing 2-fluoro-2-deoxy-D-glucose by contacting 1,2,4,6-tetra-O-acetyl-2-O-trifluoromethanesulfonyl-2-deoxy- β -D-mannose with ^{18}F and deprotecting (column 2, lines 55 – 67).

Applicant argues that claim 18 has been amended to specify that the leaving group has "chemical characteristics capable of facilitating separation of the imaging agent from by-products derived from the leaving group." Applicant contends that

"neither Chambers nor Johnson recognize the need for an improved method for separate by-products of the leaving group from the fluorinated product."

This is found non-persuasive because Chambers teaches the same leaving group as that which is claimed (i.e. a benzenesulfonate substituted with 1 – 4 carbon atoms), and thus the same leaving group must have the same "chemical characteristics capable of facilitating separation of the imaging agent from by-products of the leaving group," as claimed. Furthermore, Chambers clearly teaches a separation step of reactant and product (e.g. filtration and purification), and thus meets the instant claim limitation of "separating the imaging agent from by-products derived from the leaving group and recovering the imaging agent." Regarding Applicant's argument that Chambers and Johnson do not recognize the need for an improved method for separating by-products of the leaving group from the fluorinated product, there are no claim limitations which distinguish any type of different or improved separation step as that which is performed by Chambers, only that a separation step is performed.

Conclusion

No claims are allowed at this time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leah Schlientz whose telephone number is 571-272-9928. The examiner can normally be reached on Monday - Friday 8 AM - 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on 571-272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LHS

A handwritten signature in black ink, appearing to read 'Michael G. Hartley', with a stylized, sweeping flourish extending to the right.

MICHAEL G. HARTLEY
SUPERVISORY PATENT EXAMINER